

DEVELOPMENTAL COUNSELING FORM

For use of this form, see FM 6-22; the proponent agency is TRADOC.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: For subordinate leader development IAW FM 6-22. Leaders should use this form as necessary.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI) Meek, Jerald, L	Rank/Grade SGT/E-5	Social Security No. -2026	Date of Counseling 6FEB09
Organization HCS 3d Bn, 3d SFG(A) Fort Bragg, NC 28310	Name and Title of Counselor SFC Pezzella, Andrew, J. SIGDET NCOIC		

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)

Disrespect To Senior NCO

Plaintiffs
Exhibit

A

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

On 5 February 2009 you were disrespectful to a Senior Non-Commissioned Officer. After having the morning of 5 February off to take care of personal business you came into work at 1320 hrs. You immediately walked up to me and handed me a business card and said, "This is the number of the person I was with this morning. He said if you have a problem with me being late you can call him!" You were not only disrespectful to me, but you behaved in a manner that was disrespectful to the whole Signal Detachment, who were all NCOs. Your peers also commented on your disrespectful behavior and could not understand why an SGT promotable would act in such a way. This is not the first time you have been disrespectful to a Senior NCO. Your inability to communicate in a professional and respectful manner with your leadership will not be tolerated. Within the past month you have demonstrated that you lack the competence and discipline to be a Non-commissioned Officer. You do not possess or adhere to any of the Army Values; Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage. These values will not only make you successful in the Army, but in everyday life. This is your third negative counseling statement in less than 2 weeks and you have also been verbally counseled several times.

SGT Meek your actions are in violations of the Uniform Code of Military Justice (UCMJ). If such type misbehavior continues it could result in judicial punishment or non-judicial punishment under Article 15 of the UCMJ adverse administrative personnel actions. Potential adverse actions may include: written or oral reprimands, a bar to reenlistment, extra training, suspension or revocation of your security clearance, and involuntary separation under AR 635-200, Chapter 13, Unsatisfactory Performance or Chapter 14, Misconduct. The impact of adverse separation can be severe depending upon the type of discharge you receive. If a dishonorable discharge is granted it deprives you as a soldier of all veteran's benefits and deprive you of your civil rights. If separated for your duty performance, you could receive an other than honorable conditions discharge. Both may cause undue hardship on or in your civilian life and may not reflect on your eligibility for your veteran's benefits or even the eligibility for reentry into the Armed Forces and acceptability for employment in the civilian community.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Case 5:00-cv-00422-D Document 1-2 Filed 09/21/09 Page 1 of 24

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

JERALD AND TRUDY MEEK,

PLAINTIFFS,

v.

LITTLE AND YOUNG REALTORS,
INC., DAVID HOWARD AND
KIMBERLY HOWARD

DEFENDANTS.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 08 CVS 6360

Plaintiff's
Exhibit
B

**ORDER GRANTING, IN PART,
PLAINTIFFS' "MOTION FOR
PROTECTIVE ORDER" AND
DENYING PLAINTIFFS' "MOTION
FOR SANCTIONS"**

FILED
09 MAR 11 PM 3:33
CUMBERLAND COUNTY, C.

THIS CAUSE coming on to be heard at the March 9, 2009, civil session of the Superior Court for North Carolina Judicial District 12 and being heard by the Honorable James G. Bell, Superior Court Judge Presiding, upon Plaintiff's joint "Motion to Protective Order and Motion for Sanctions", pursuant to Rules 26 and 37 of the North Carolina Rules of Civil Procedure. Attorney James A. McLean, III, appeared for Defendants Little and Young Realtors, Inc., David Howard and Kimberly Howards [collectively, "Defendants"]. Plaintiffs Jerrald Meek and Trudy Meek [collectively, "Plaintiffs"] appeared and represented themselves *pro se and pro per*.

Upon the evidence of record, the arguments of counsel and/or the parties and the representation by Attorney McLean that Defendants do not seek discovery and/or testimony from Plaintiff Jerrald Meek's employer [specifically his Company Commander and Company First Sergeant], Plaintiffs' are entitled, in part, to a protective order, as specifically set forth herein, but are not entitled to sanctions.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiffs are not entitled to sanctions and/or sanctions are not warranted, and, therefore, their Motion for Sanctions is DENIED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiffs, with the consent of counsel for Defendants, are entitled to a protective order and, therefore, their Motion for Protective Order is GRANTED, IN PART, and, in accordance with this protective order, Defendants, subject to further order of this Court, are prohibited from requesting discovery from and/or subpoenaing for testimony Plaintiff Jerrald Meek's current Company Commander and Company First Sergeant.


IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED that, based upon consent of counsel for Defendants, Plaintiff Jerrald Meek's current Company Commander and Company First Sergeant are free, at their election, to produce to Plaintiffs any documents that they contend relate to the subject matter of this lawsuit and/or were presented to them by Defendants.

This the 11 day of March, 2009.



THE HONORABLE JAMES G. BELL,
SUPERIOR COURT JUDGE PRESIDING

CERTIFICATE OF SERVICE

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
BY: 
ASSISTANT DEPUTY 9-8-09

The undersigned certifies to the Court that the **ORDER GRANTING, IN PART, PLAINTIFFS' "MOTION FOR PROTECTIVE ORDER" AND DENYING PLAINTIFFS' "MOTION FOR SANCTIONS"** was this day served upon the other parties of this action via First Class U.S. Mail, properly addressed to Jerald and Trudy Meek, pursuant to Rule 5 of the North Carolina Rules of Civil Procedure as follows:

:

Jerald and Trudy Meek
840 Muskegon Drive
Fayetteville, North Carolina 28311 and

Jerald and Trudy Meek
PO Box 72043
Ft. Bragg, North Carolina 28307-2043

This the 11th day of March, 2009.

By: 

James A. McLean, III

STATE OF NORTH CAROLINA

File No.

08CVS11240

CUMBERLAND County

In The General Court Of Justice

☐ District ☒ Superior Court Division

Little & Young Realtors, Inc.

Additional File Numbers

VERSUS

Meek, Jerrald L.

SUBPOENA

G.S. 1A-1, Rule 45

Party Requesting Subpoena

☐ State/Plaintiff ☒ Defendant

NOTE TO PARTIES NOT REPRESENTED BY COUNSEL: Subpoenas may be produced at your request, but must be signed and issued by the office of the Clerk of Superior Court, or by a magistrate or judge.

Name And Address Of Person Subpoenaed

Alternate Address

TO 1SG Raymond Henselder

HSC 3 BN 3 SFG(A)

Ft. Bragg, NC 28310

Telephone No.

(910) 432-7276

Telephone No.

YOU ARE COMMANDED TO: (check all that apply):

- ☒ appear and testify, in the above entitled action, before the court at the place, date and time indicated below.
☐ appear and testify, in the above entitled action, at a deposition at the place, date and time indicated below.
☒ produce and permit inspection and copying of the following items, at the place, date and time indicated below.
☐ See attached list. (List here if space sufficient)

Any documents and/or photographs in your possession which Little & Young Realtors, Inc. have provided.

Plaintiffs
Exhibit
C1

FILED
09 JUL -7 AM 11:20
CUMBERLAND COUNTY, N.C.

Name And Location Of Court/Place Of Deposition/Place To Produce

Cumberland County Courthouse Room 3B

117 Dick St.

Fayetteville, NC 28302

Date To Appear/Produce

07/13/2009

Time To Appear/Produce

10:00

☒ AM ☐ PM

Name And Address Of Applicant Or Applicant's Attorney

Jerrald Meek

P.O. Box 72043

Ft. Bragg, NC 28314

Date

Signature

6/23/09
Peggy Etheridge

Telephone No.

(910) 274-8946

☐ Deputy CSC

☒ Assistant CSC

☐ Clerk Of Superior Court

☐ Superior Court Judge

☐ Magistrate

☐ Attorney/DA

☐ District Court Judge

RETURN OF SERVICE

I certify this subpoena was received and served on the person subpoenaed as follows:

- By ☐ personal delivery.
☒ registered or certified mail, receipt requested and attached.
☐ telephone communication (For use only by the sheriff's office for witness subpoenaed to appear and testify.)
☐ I was unable to serve this subpoena.

Service Fee

\$ ☐ Paid ☐ Due

Date Served

23 Jun 09

Signature of Authorized Server

Title

NOTE TO PERSON REQUESTING SUBPOENA: A copy of this subpoena must be delivered, mailed or faxed to the attorney for each party in this case. If a party is not represented by an attorney, the copy must be mailed or delivered to the party. This does not apply in criminal cases.

TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
Peggy Etheridge

STATE OF NORTH CAROLINA

File No.

08CVS11240

CUMBERLAND

County

In The General Court Of Justice

☐ District ☒ Superior Court Division

Little & Young Realtors, Inc.

Additional File Numbers

VERSUS

Meek, Jerrald L.

SUBPOENA

G.S. 1A-1, Rule 45

Party Requesting Subpoena

☐ State/Plaintiff ☒ Defendant

NOTE TO PARTIES NOT REPRESENTED BY COUNSEL: Subpoenas may be produced at your request, but must be signed and issued by the office of the Clerk of Superior Court, or by a magistrate or judge.

Name And Address Of Person Subpoenaed

TO MAJ John Bishop
HSC 3 BN 3 SFG(A)
Ft. Bragg, NC 28310

Alternate Address

Telephone No.

(910) 432-7276

Telephone No.

YOU ARE COMMANDED TO: (check all that apply):

- ☒ appear and testify, in the above entitled action, before the court at the place, date and time indicated below.
☐ appear and testify, in the above entitled action, at a deposition at the place, date and time indicated below.
☒ produce and permit inspection and copying of the following items, at the place, date and time indicated below.
☐ See attached list. (List here if space sufficient)

Any documents and/or photographs in your possession which Little & Young Realtors, Inc. have provided.

Plaintiff's
Exhibit
C2

FILED
JUL 7 AM 11:19
CUMBERLAND COUNTY, C.S.C.

Name And Location Of Court/Place Of Deposition/Place To Produce

Cumberland County Courthouse Room 3B
117 Dick St.
Fayetteville, NC 28302

Date To Appear/Produce

07/13/2009

Time To Appear/Produce

10:00

☒ AM ☐ PM

Name And Address Of Applicant Or Applicant's Attorney

Jerrald Meek
P.O. Box 72043
Ft. Bragg, NC 28314

Date

6/23/09

Signature

R. E. Etheridge

Telephone No.

(910) 274-8946

☐ Deputy CSC

☒ Assistant CSC

☐ Clerk Of Superior Court

☐ Superior Court Judge

☐ Magistrate

☐ Attorney/DA

☐ District Court Judge

RETURN OF SERVICE

I certify this subpoena was received and served on the person subpoenaed as follows:

- By ☐ personal delivery.
☒ registered or certified mail, receipt requested and attached.
☐ telephone communication (For use only by the sheriff's office for witness subpoenaed to appear and testify.)
☐ I was unable to serve this subpoena.

Service Fee

☐ Paid
☐ Due

Date Served

23 Jun 09

Signature of Authorized Server

[Signature]

Title

NOTE TO PERSON REQUESTING SUBPOENA: A copy of this subpoena must be delivered, mailed or faxed to the attorney for each party in this case. If a party is not represented by an attorney, the copy must be mailed or delivered to the party. This does not apply in criminal cases.

AOC-G-100, Rev. 10/03

2003 Administrative Office of the Courts

(Please See Reverse Side)

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY

12th JUDICIAL DISTRICT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

LITTLE & YOUNG REALTORS, INC.)
Plaintiff,)
)
v.)
)
JERRALD MEEK, TRUDY MEEK)
Defendants;)
)
and)
)
JERRALD MEEK, TRUDY MEEK)
Third-Party Plaintiffs,)
)
v.)
)
LITTLE & YOUNG REALTORS INC.)
Counterclaim Defendant,)
DAVID HOWARD, KIMBERLY HOWARD)
Third-Party Defendants.)

Plaintiffs
Exhibit
C3

CUMBERLAND COUNTY
NO. 08 CVS 11240

FILED
19 JUL -7 AM 11:20
CLERK OF COURT
CUMBERLAND COUNTY, C.S.C.
BY _____

REQUEST FOR PRODUCTION OF INFORMATION

1. Previously, Jerrald Meek and Trudy Meek (hereinafter "Defendants") have made informal requests on at least four occasions for the release of the hereinbelow-referenced information. Recently, 1SG Raymond Henselder expressed to Defendants a willingness to sign a notarized affidavit for defendants, however it seems that the affidavit was held up at JAG.
2. THEREFORE, Defendants hereby formally request, IAW **32 C.F.R. § 516.41(d)**, that MAJ John Bishop, and 1SG Raymond Henselder (hereinafter "Witnesses") either:
 - (a) Voluntarily accept service of process, or
 - (b) provide notice to Defendants that service of process has been refused, IAW **32 C.F.R. § 516.10(d)**.
3. If service of process is refused, then Defendants request that Witnesses provide Defendants either (i) notarized affidavits, or (ii) an unsworn declaration under penalty of perjury IAW **32 C.F.R. § 516.26** testifying to the requested information. Such affidavits, or statements should be provided no later than July 1, 2009 and should be sufficient for entry into evidence at trial IAW **Rules 804(b)(5)**, and **902** of the **N.C. Rules of Evidence (N.C.G.S. Chapter 8C)**.
4. IAW **32 C.F.R. § 516.41(d)**, the nature of the information sought is disclosed as listed:
 - (a) On or about February 25, 2009 where you contacted by Little & Young Realtors, Inc. regarding an alleged debt owed by Defendants?

- (b) On or about February 25, 2009 did Little & Young Realtors, Inc. inform you that Defendants had vacated the property located at 840 Muskegon Drive, leaving the premises in a dirty and insect infested condition?
- (c) On or about February 25, 2009 did Little & Young Realtors, Inc. inform you that Defendants had caused damage to the property located at 840 Muskegon Drive? Did they tell you how much damage?
- (d) On or about February 25, 2009 did Little & Young Realtors, Inc. inform you that Defendants were being sued for damages and attorney fees? How much?
- (e) On or about February 25, 2009 did Little & Young Realtors, Inc. inform you that Defendants owed them money for unpaid rent?
- (f) On or about February 25, 2009 did Little & Young Realtors, Inc. inform you that you were to be subpoenaed to testify against Defendants? What facts were you expected to testify to?
- (g) Subsequent to the initial contact by Little & Young Realtors, Inc., were you contacted again?
- (h) Did Little & Young Realtors, Inc. send to you any photographs or documents? Please produce and/or describe the contents of such materials?

5. IAW **32 C.F.R. § 516.41(d)**, the relevance of the information sought is disclosed as listed:

- (a) Defendants intend to prove that by contacting Jerrald Meek's employer, Little & Young Realtors, Inc. violated **Article 2 of Chapter 75 of the N.C. General Statutes**. Such conduct is consistent with Defendants claim that Plaintiffs are exaggerating their claims in retaliation for the Judgment that Defendants previously obtained against Little & Young Realtors, Inc. for violations of the Residential Rental Agreements Act (codified in **N.C.G.S. Chapter 42**).
- (b) Defendants intend to show that Little & Young Realtors, Inc. told Mr. Meek's employer that the alleged property damages were valued at more than double the amount that Little & Young Realtors, Inc. were actually claiming.
- (c) Defendants intend to show that Little & Young Realtors, Inc. told Mr. Meek's employer that Mr. Meek was being sued for unpaid rent, when Little & Young Realtors, Inc. had already collected payment of the allegedly unpaid rent.
- (d) Defendants intend to show that on February 25, 2009 Mr. Meek contacted the office of the attorney representing Little & Young Realtors, Inc., who subsequently advised Little & Young Realtors, Inc. that they should not make further contact to Defendant's employer. However, Little & Young Realtors, Inc. did ignore the advice of their own counsel and make additional contact(s) to Mr.

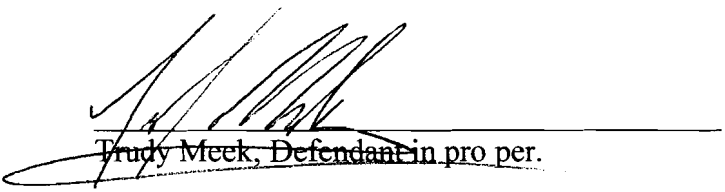
Meek's employer. This conduct is consistent with Defendants claim that Plaintiffs are exaggerating their claims as a form of retaliation.

- (e) Defendants intend to support their previously raised argument, that Plaintiffs have intentionally impairing and/or delaying Defendants' right to discovery. Defendants intend to show that on March 6, 2009 Plaintiffs moved for, and received a 30 day extension to respond to Defendants' discovery requests on the grounds that it was impossible for Plaintiffs to produce the requested materials. However, in the last week of February, 2009 the exact information sought by Defendants had already been produced for Mr. Meek's employer.


6. Should Witnesses refuse service of process, and refuse to voluntarily provide affidavits or unsworn declarations which might be entered into evidence instead of personal testimony, then Defendants shall consider all administrative remedies exhausted, and initiate a civil action in Federal Court against the United States Army for the purpose of compelling discovery.

Respectfully submitted this the 23 day of June, 2009.


Jeffrald Meek, Defendant in pro per.


Trudy Meek, Defendant in pro per.

TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
DEPUTY

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
BY 
ASSISTANT DEPUTY

9-8-09

CERTIFICATE OF SERVICE

I Jerrald Meek, hereby certify that I have, this day, delivered via United States Mail, a true and correct copy of the above and foregoing REQUEST FOR PRODUCTION OF INFORMATION, and related Subpoenas to:

Commander
HSC 3 BN 3 SFG(A)
Ft. Bragg, NC 28310

and counsel for the Plaintiff/Third-Party Defendants at:

McCoy Weaver Wiggins Cleveland Rose Ray PLLC
P.O. Box 87009
Fayetteville, NC
28304-7009

DATED: 24 June, 2009

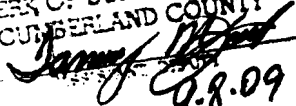

Jerrald Meek, Defendant Pro Per

SWORN to and subscribed by me this the 24th day of June, 2009.


NOTARY PUBLIC

My Commission expires on 17 June 2011

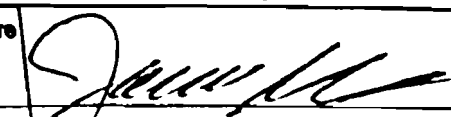

BRENDA S WILLIAMS
Notary Public, North Carolina
Harnett County
My Commission Expires
17 June 2011

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY

9.8.09


**UNITED STATES
POSTAL SERVICE**

Track/Confirm - Intranet Item Inquiry
Item Number: 7009 0080 0000 2246 9463

This item was delivered on 06/24/2009 at 10:38

Signature:	Delivery Section	
	 Sgt Martinez	
Address:	 1111 1st St 3 SF	

Enter Request Type and Item Number

Quick Search ☒ Extensive Search ☐

Explanation of Quick and Extensive Searches

Submit

Version 1.0

Inquire on multiple items.

Go to the Product Tracking Syst

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
Tammy [Signature]
9-8-09

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

FORT BRAGG, NC 28310

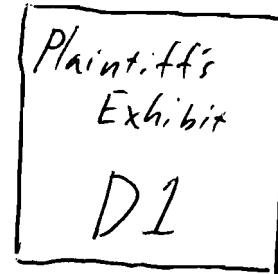
OFFICIAL USE

Postage	\$	\$1.39	0202
Certified Fee		\$2.80	07
Return Receipt Fee (Endorsement Required)		\$2.30	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$6.49	06/23/2009

Postmark
Here

Sent To *Commander HSC 3BN 35FG*
Street, Apt. No.,
or PO Box No. *Ft. Bragg, NC 28310*
City, State, ZIP+4

Department of the Army
Freedom of Information Act Office
7701 Telegraph Road, Suite 144
Alexandria, VA 22315-3905



26Jun09

Re: Freedom of Information Act Request

To Whom It May Concern:

This is a request under the Freedom of Information Act (5 U.S.C. 552).

I request that a copy of the following document(s) be provided to me. Any email correspondence between Little & Young Realtors, Inc. and 1SG Raymond Henselder, Company First Sergeant HSC 3 Battalion 3 Special Forces Group (Airborne). Specifically, I am looking for email correspondence occurring around the end of February 2009. The email(s) sought pertain to information sent to 1SG Henselder by Little & Young Realtors, Inc. pertaining to two litigations between SGT Jerrald Meek and Little & Young Realtors, Inc. Rental Property Manager Rebecca Ross most likely sent the relevant email(s), although the email(s) could have been sent by a member of Ms. Ross' staff, or by a member of Mark Little's staff. I am requesting a search of any government email accounts belonging to 1SG Raymond Henselder.

In order to help you determine my status for the purpose of assessing fees, you should know that I am an individual seeking information for personal use (as a defendant in a property damages lawsuit) and not for a commercial use.

I am willing to pay fees for this request up to a maximum of \$200.00. If you estimate that the fees will exceed this limit, please inform me first.

I also include a telephone number at which I can be contacted if necessary to discuss any aspect of my request.

Respectfully submitted, this the 26th day of June 2009.

A handwritten signature in black ink, appearing to read "Jerrald Meek", written over a horizontal line.

Jerrald Meek
P.O. Box 72043
Ft. Bragg, NC 28307
Home: (910) 339-7026
Cell: (910) 274-8946
Email: jerrald.meek@us.army.mil

Subject FOIA REQUEST (UNCLASSIFIED)
From "Yates, Geraldine V CIV USA" <geraldine.v.yates1@conus.army.mil>
Date Tuesday, July 14, 2009 7:43
To jerrald.meek@us.army.mil

Classification: UNCLASSIFIED

Caveats: FOUO

Mr. Meek,

I sent you an email on June 29, 2009, in the email I asked that you provide this office with the name of the military installation in which the incidents took place. You mention Germany, and also Third Army Special Forces Group (Airborne), you need to provide more information. This FOIA office is a referral office.

Geraldine (Geri) Yates

Program Analyst

Department of the Army Freedom of Information and Privacy Act office

7701 Telegraph Road, Suite 144

Alexandria, VA 22315-3905

Office: 703-428-6494 (DSN328)

Fax: (703) 428-6522

Classification: UNCLASSIFIED

Caveats: FOUO

Plaintiffs
Exhibit
D2



DEPARTMENT OF THE ARMY
U.S. ARMY RECORDS MANAGEMENT AND DECLASSIFICATION AGENCY
7701 TELEGRAPH ROAD
ALEXANDRIA, VA 22315
July 16, 2009

U.S. Army Freedom of Information
Act Office (FOIA 09-0855)

Jerrald Meek
P.O. Box 72043
Fort Bragg, NC 28307

Dear Mr. Meek:

This letter responds to your Freedom of Information Act request. In your request you are requesting documents pertaining to email correspondence between Little & Young Realtors, Inc., and 1SG Raymond Henselder, Germany, First Sergeant HSC 3 Battalion 3 Special Forces Group (Airborne). Also, you are looking for email correspondence occurring around the end of February 2009, email (s) sought pertains to information sent to 1SG Henselder by Little & Young Realtors, Inc., Rental Property Manager Rebecca Ross.

Please be advised that this office serves as the referral point and oversight office for the Department of the Army Freedom of Information and Privacy Act entities and is not a repository for documents maintained by the Department of the Army. Requests for information and documents under the purview of the Army are referred to the activity most likely to have records for processing, and that activity has the responsibility for the review and release of the records in accordance with Army Regulation 25-55, The Army Freedom of Information Act Program.

The FOIA does not require agencies to respond to questions, to do legal research, compile or analyze data, summarize, or conduct surveys for members of the public. You should be aware that the FOIA only provides the means by which the public can request specific documents from the Army. **From the information provided, it is unclear as to the relationship of Little & Young Realtors, Inc., in your request with the Army.**

In order to process your request, we need more information describing Little & Young Realtors, Inc., affiliation with the Department of the Army. Broad requests that include the Department of Army must address specific offices or divisions. If you can clarify your request to identify the proponent activity for the information, you may wish to make your request directly to the relevant activity if you know it, or you may submit another request to this office. **Two emails from this office were sent to you requesting you to include more information (Location) in your request. You mention Germany, and HSC 3 Battalion 3 Special Forces Group (Airborne).** Pending further information from you, this request is administratively closed.

Thank you for your understanding in this matter.

Sincerely,

/////Original Signed/////

Geraldine Yates
Program Analyst
U.S. Army Freedom of
Information Act Office

Department of the Army
Freedom of Information Act Office
7701 Telegraph Road, Suite 144
Alexandria, VA 22315-3905

Plaintiffs
Exhibit
D3

31Jul09

Re: Supplemented Freedom of Information Act Request

To Whom It May Concern:

This is a request under the Freedom of Information Act (5 U.S.C. 552).

Previously I have requested that a copy of any email correspondence between Little & Young Realtors, Inc. and 1SG Raymond Henselder, former Company First Sergeant HSC 3 Battalion 3 Special Forces Group (Airborne). I received emails from Geraldine Yates on 14Jul09 and 16Jul09 requesting additional information. The 14Jul09 email references an email from 29Jun09, however I have no record of such an email.

The information provided in the original request should have been sufficient. I am looking for copies of any email(s):

- (1) That were received by 1SG Raymond Henselder from any agent or employee of Little & Young Realtors.
- (2) The sender of such email(s) would most likely be Rebecca Ross.
- (3) The relevant email(s) would most likely have been sent in late February or early March 2009.
- (4) I am requesting a search of any government email accounts belonging to 1SG Raymond Henselder.

Subject to your request I can provide the following additional information:

- (1) 1SG Raymond Henselder was, at the time in question, the Company First Sergeant of HSC 3BN 3SFG(A), Ft. Bragg, NC 28311.
- (2) Little & Young Realtors, Inc. has no known relationship directly with the United States Army.
- (3) Little & Young Realtors, Inc. was the property manager of a residential property that I formerly rented. During my tenancy I filed a civil action against Little & Young Realtors, Inc. for violation of the implied warranty of habitability (pursuant to N.C.G.S. § 42-42). Subsequently Little & Young Realtors, Inc. filed an eviction

action against me, I counterclaimed for retaliatory eviction (pursuant to N.C.G.S. § 42-37.1).

- (4) In late February 2009 Little & Young Realtors, Inc. contacted my commander and first sergeant, making defamatory statements to them about the two pending litigations. Little & Young Realtors, Inc. also informed my commander and first sergeant that they would be subpoenaed to testify against me. Little & Young Realtors, Inc. further used my chain of command to elicit information from me which would normally be privileged under work product doctrine.
- (5) In late February or early March 2009, subsequent to an agreement that Little & Young Realtors would stop communicating with my chain of command, Little & Young Realtors, Inc. emailed defamatory information to my chain of command. Unfortunately, 1SG Henselder told me he had deleted the email.
- (6) In March 2009, a Superior Court Judge issued a protective order forbidding further contact.

1SG Henselder is no longer assigned to Ft. Bragg. I am asking that any server records for any government email account of 1SG Henselder be searched for a copy of any correspondence from Little & Young Realtors, Inc. I believe this information may be useful to prove retaliatory conduct, violation of the North Carolina Fair Debt Collection Practices Act, and violation of the Federal Fair Debt Collection Practices Act.

In order to help you determine my status for the purpose of assessing fees, you should know that I am an individual seeking information for personal use (as a defendant in a property damages lawsuit) and not for a commercial use.

I am willing to pay fees for this request up to a maximum of \$200.00. If you estimate that the fees will exceed this limit, please inform me first.


I also include a telephone number at which I can be contacted if necessary to discuss any aspect of my request.

Respectfully submitted, this the 31st day of July 2009.



Jerrald Meek
P.O. Box 72043
Ft. Bragg, NC 28307
Home: (910) 339-7026
Email: jerrald.meek@us.army.mil

Delete Reply Reply All Forward Forward Inline Add Addresses Close Move message to folder: ▼

Subject FOIA Response 09-0908 Meek, Jerald G-6 (UNCLASSIFIED)
From "Stottmann, Mary K CAPT MIL USA" <mary.stottmann@us.army.mil>
Date Wednesday, August 19, 2009 11:31
To jerrald.meek@us.army.mil
Attachments  Encrypted (cannot decode)

▶
63K

Plaintiffs
Exhibit
D4

Subject Re: FOIA Response 09-0908 Meek, Jerald G-6 (UNCLASSIFIED)
From <jerrald.meek@us.army.mil>
Date Thursday, August 27, 2009 9:25
To "Stottmann, Mary K CAPT MIL USA" <mary.stottmann@us.army.mil>

I received two emails from you. Each contained no body, and had an attachment. When I try to open it it says "encrypted, cannot decode."

This may be a problem with the AKO email system. Can you please resend to my alternate account at eapoe_us@yahoo.com

----- Original Message -----

From: "Stottmann, Mary K CAPT MIL USA" <mary.stottmann@us.army.mil>
Date: Wednesday, August 19, 2009 11:32
Subject: FOIA Response 09-0908 Meek, Jerald G-6 (UNCLASSIFIED)
To: jerrald.meek@us.army.mil

Plaintiff's
Exhibit
D5

From: Jerrald Meek (eapoe_us@yahoo.com)
To: Stottmann, Mary K CAPT MIL USA
Date: Thursday, August 27, 2009 4:31:20 PM
Subject: Re: FOIA Response 09-0908 Meek, Jerald G-6 (UNCLASSIFIED)

Again I am not able to open whatever you sent me. Yahoo mail identifies the file as a virus and won't let me download it. From my home computer I am able to download the file from my AKO account, however the p7m viewer is not able to open the file.

From: "Stottmann, Mary K CAPT MIL USA" <mary.stottmann@us.army.mil>
To: eapoe_us@yahoo.com
Sent: Thursday, August 27, 2009 9:37:15 AM
Subject: FW: FOIA Response 09-0908 Meek, Jerald G-6 (UNCLASSIFIED)

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

Plaintiff's
Exhibit
D6

have inspected the residence on numerous occasions subsequent to November 10, 2008, by themselves along with the various trade persons that they have engaged to effect repairs on the residence. A copy of all such documentation regarding said inspections/repairs, currently in Plaintiffs' possession is attached as part of this request of production. Finally, in response to this Interrogatory Plaintiffs believes that all the individuals identified in Interrogatory 1 except for the Meeks, at some point and time, conducted some sort of inspection and/or work on the residence subsequent to November 10, 2008.

Interrogatory No.6: Provide an itemized list of any damages, which you claim Defendants to have caused to Plaintiff/Third-Party Defendant. For each damage claimed, specifically describe the nature, extent, and cost of such damages. Attach a copy of any documentation, which you contend to support your claim of damages.

RESPONSE: OBJECTION: Work product. Subject to this objection, the list of the damages at this time is preliminary and subject to being supplemented and/or amended in the future; Please see, for partial information, documents known as Little & Young 124 and 125; however, subject to this objection this caveat, the damages are as follows, plus as may be shown by the documentation as being provided herewith:

- [1] Rent for October 2008 of \$750.00
- [2] A late fee of \$37.50 for October, 2008
- [3] Owner eviction fee of \$106.00
- [4] Legal processing fee of \$50.00
- [5] Reimbursement of rent fees \$55.00
- [6] Rent for the month of November, 2008 of \$750.00
- [7] a late fee of \$37.50 for November, 2008
- [8] Reimbursement for first pest control treatment of \$55.00
- [9] Reimbursement for second pest control treatment of \$35.00
- [10] Reimbursement for PWC utilities \$24.06
- [11] Reimbursement for Lumbee River Electric of \$53.00
- [12] Reimbursement for paint, patch holes in doors \$230.00
- [13] Reimbursement for cleaning and removal of trash, debris etc. \$180.00
- [14] Reimbursement to replace broken lattice on deck \$165.00

Plaintiffs
Exhibit
E

[15] Reimbursement for third pest control treatment \$35.00

[16] Reimbursement for yard cleaning and debris removal \$225.00

[17] Future carpet replacement – estimate of \$1,539.42

Preliminary Total as of 4-6-09 [subject to supplementation and modification] - \$4,327.48 plus interest, costs and attorneys' fees, pursuant to law and/or contract. **Note: That this preliminary damage estimate does not take into account the security/pet deposit that has been applied. Such deposits will be credited to the amount due at the appropriate time and as allowed by the Court.**

Finally, again, this damage estimate is only preliminary and subject to amendment and supplementation at a future date; however at this time, this is the best estimate of damages that Plaintiffs have based upon the information that they have and the information being provided to Defendants pursuant to their request for production of documents. It is believed that some invoices may be received in the future. In particular, Plaintiffs believe that the Appliance Doctor [estimated to be \$55.00] will be submitting an invoice that will adjust the damages and be subject to supplementation.

Interrogatory No.7: State the names and addresses of all persons involved in the answering of these interrogatories.

RESPONSE:

Becki Ross, employed by Little & Young Realtors, Inc.
2939 Breezewood Ave.
Fayetteville North Carolina 28314
910-484-5400

and

James A. McLean, III, attorney for Plaintiff/Third-Party Defendant
202 Fairway Drive
Fayetteville, North Carolina 28305
910-483-8104

Interrogatory No.8: Identify each document that was consulted in the course of preparing answers to these interrogatories.

RESPONSE: Please see the attached documentation.

**Page 6 of 9 of PLAINTIFF/THIRD-PARTY DEFENDANTS' RESPONSE TO
DEFENDANT'S FIRST SET OF INTERROGATORIES PROPOUNDED TO PLAINTIFF
WITH REQUEST FOR PRODUCTION**

CERTIFICATE OF SERVICE

The undersigned certifies to the Court that the **PLAINTIFF/THIRD-PARTY DEFENDANTS' RESPONSE TO DEFENDANT'S FIRST SET OF INTERROGATORIES PROPOUNDED TO PLAINTIFF WITH REQUEST FOR PRODUCTION** was this day served upon the other parties of this action via First Class U.S. Mail, properly addressed to Jerald and Trudy Meek, pursuant to Rule 5 of the North Carolina Rules of Civil Procedure as follows:

Jerald and Trudy Meek
PO Box 72043
Ft. Bragg, North Carolina 28307-2043

This the 6th day of April, 2009.

By: _____
James A. McLean, III

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 08 CVS 11240

FILED
09 JUN 30 PM 4:57
CUMBERLAND COUNTY, N.C. S.C.
BY _____

LITTLE & YOUNG REALTORS, INC.)
Plaintiff.)

v.)

JERRALD MEEK and wife, TRUDY)
MEEK)
Defendant.)

and)

JERRALD MEEK and wife, TRUDY)
MEEK)
Third-Party Plaintiffs,)

v.)

DAVID HOWARD and wife KIMBERLY)
HOWARD)

Third-Party Defendants)

NOTICE OF INTENT TO ENFORCE
ATTORNEYS' FEES PROVISION
[Pursuant to N.C.G.S. § 6-21.2]

Plaintiff's
Exhibit
F

NOW COMES PLAINTIFF, by and through the undersigned attorney, and gives notice to Defendants that, in accordance with N.C.G.S. § 6-21.2, Plaintiff, as previously demanded in the pleadings, will seek that the Court award, in addition to the amounts demanded in the pleadings and discovery, reasonable attorneys' fees as provided by the Lease, as renewed, between Plaintiff and Defendants. Pursuant to N.C.G.S. § 6-21.2, subdivision (5), if Defendants pays to Plaintiff the full amount amount, as demanded in the pleadings and associated discovery, within five (5) calendar days of this Notice, Defendants shall not be liable for these attorneys' fees. If Defendants fail to remit and pay this sum in full within the five (5) calendar day period, Defendants shall be obligated to the pay Plaintiffs' attorneys' fees, as allowed by the Lease, as renewed.

This the 30th day of June, 2009.

McCoy Weaver Wiggins
Cleveland Rose Ray PLLC

By: _____

James A. McLean, III
Attorneys for Plaintiff
202 Fairway Drive (28305)
Post Office Box 87009
Fayetteville, NC 28304-7009
Telephone: (910) 483-8104

FILED
09 JUN 30 PM 4:57
CUMBERLAND COUNTY, C.S.C.
BY _____

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
BY *James McLean*
ASSISTANT DEPUTY
9-8-09

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

LITTLE & YOUNG REALTORS, INC.

Plaintiff.

v.

JERRALD MEEK and wife, TRUDY
MEEK

Defendant.

and

JERRALD MEEK and wife, TRUDY
MEEK

Third-Party Plaintiffs,

v.

DAVID HOWARD and wife KIMBERLY

HOWARD

Third-Party Defendants

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

FILE NO.: 08 CVS 11240

FILED
09 JUN 30 PM 4:57
CUMBERLAND COUNTY, N.C. S.C.

**CERTIFICATE OF SERVICE AND
MAILING**

A TRUE COPY
CLERK OF SUPERIOR COURT
CUMBERLAND COUNTY
BY *James A. McLean, III*
ASSISTANT CLERK
9-8-09

I hereby certify that Plaintiff's **NOTICE OF INTENT TO ENFORCE ATTORNEYS' FEES PROVISION [Pursuant to N.C.G.S. § 6-21.2]** was served on the Defendants in this action by depositing a copy thereof in the United States mail, postage prepaid, addressed as follows:

Jerald and Trudy Meek
PO Box 72043
Ft. Bragg, North Carolina 28307-2043

This the 30th day of June, 2009.

James A. McLean, III
James A. McLean, III